CONFERENCE ON DISARMAMENT

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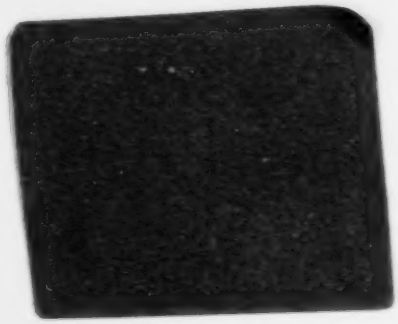
LETTER DATED 9 JULY 1997 ADDRESSED TO THE SECRETARIAT OF THE CONFERENCE ON DISARMAMENT BY THE OFFICE OF THE PERMANENT REPRESENTATIVE OF BELGIUM TO THE CONFERENCE ON DISARMAMENT, TRANSMITTING THE CLOSING DOCUMENT OF THE BRUSSELS INTERNATIONAL CONFERENCE FOR A GLOBAL BAN ON ANTI-PERSONNEL MINES

The Office of the Permanent Representative of Belgium to the Geneva Conference on Disarmament presents its compliments to the Secretariat of the Conference on Disarmament and has the honour to transmit below the closing document of the Brussels International Conference for a Global Ban on Anti-Personnel Mines.

This document contains the final Declaration of the Conference and the statement introducing it made by Mr. Erik Derycke, Minister for Foreign Affairs of the Kingdom of Belgium. Also annexed is the report made to Mr. Erik Derycke by Mr. André Mernier, Ambassador, Secretary-General of the Conference, after the first two days.

The Office of the Permanent Representative of Belgium requests the Secretariat of the Conference on Disarmament to make the necessary arrangements for these documents to be circulated as official documents of the Geneva Conference on Disarmament.



DECLARATION FOR THE BRUSSELS CONFERENCE ON ANTI-PERSONNEL LANDMINES

The following States met in Brussels from 24 to 27 June 1997 to pursue an enduring solution to the urgent humanitarian crisis caused by anti-personnel landmines. They are convinced that this solution must include the early conclusion of a comprehensive ban on anti-personnel landmines.

They recall that United Nations General Assembly resolution 51/45 S supported by 156 States urged the vigorous pursuit of "an effective, legally binding international agreement to ban the use, stockpiling, production and transfer of anti-personnel landmines".

In that spirit they affirm that the essential elements of such an agreement should include:

- a comprehensive ban on the use, stockpiling, production and transfer of anti-personnel landmines
- the destruction of stockpiled and removed anti-personnel landmines
- international cooperation and assistance in the field of mine clearance in affected countries.

The following States,

Encouraged by the work of the Brussels Conference,

Encouraged further by numerous national and regional initiatives and measures taken to eliminate anti-personnel landmines,

Encouraged by the attention given to this subject by the United Nations and by other forums,

Encouraged, finally, by the active support of the International Committee of the Red Cross, the International Campaign to Ban Landmines and numerous other non-governmental organizations,

Welcome the convening of a Diplomatic Conference by the Government of Norway in Oslo on 1 September 1997 to negotiate such an agreement;

Also welcome the important work done by the Government of Austria on the text of a draft agreement which contains the essential elements identified above and decide to forward it to the Oslo Diplomatic Conference in order to be considered together with other relevant proposals which may be put forward there;

Affirm their objective of concluding the negotiation and signing of such an agreement banning anti-personnel landmines before the end of 1997 in Ottawa;

Invite all other States to join them in their efforts towards such an agreement.

Annex 1

STATEMENT BY MR. ERIK DERYCKE, MINISTER FOR FOREIGN AFFAIRS OF THE KINGDOM OF BELGIUM

Your Excellencies,

Distinguished Heads of Delegations,

Distinguished Delegates,

We are now on the point of closing the work of the Brussels Conference. It was the Conference's intention that its debates should culminate in a political declaration, the text of which was circulated well before the Conference and was familiar to everybody.

I have pleasure in announcing that today 97 countries have acceded to this Declaration and thus given their support to the objectives of the Ottawa Process, indicating their desire to arrive at a treaty by the end of December 1997.

I would fail in my duties as President if I did not underline at this decisive moment of the Brussels Conference the considerable interest many times repeated by a large number of delegations in victim assistance. I consider as President of this Conference and as Minister for Foreign Affairs of Belgium that this constitutes an essential element of the Ottawa Process.

The Declaration of the Brussels Conference is adopted.

The Declaration will be published, together with the statement I have just made introducing it and the list of countries that have associated themselves with it.

This Declaration, my statement and the list of countries that have associated themselves with the Declaration will be sent to you through the usual diplomatic channels.

Annex 2

LIST OF COUNTRIES ASSOCIATING THEMSELVES WITH THE POLICY DECLARATION OF THE BRUSSELS INTERNATIONAL CONFERENCE FOR A GLOBAL BAN ON ANTI-PERSONNEL MINES

27 June, 9.30 a.m.

1. Angola
2. Antigua and Barbuda (CARICOM)
3. Austria
4. Bahamas (CARICOM)
5. Barbados (CARICOM)
6. Belgium
7. Belize (CARICOM)
8. Benin
9. Bolivia
10. Bosnia and Herzegovina
11. Botswana
12. Brazil
13. Burkina Faso
14. Cambodia
15. Cameroon
16. Canada
17. Cape Verde
18. Chad
19. Colombia
20. Costa Rica
21. Côte d'Ivoire
22. Croatia
23. Czech Republic
24. Denmark
25. Dominica (CARICOM)
26. Ecuador
27. El Salvador
28. Ethiopia
29. Fiji
30. France
31. Gabon
32. Germany
33. Ghana
34. Grenada (CARICOM)
35. Guatemala
36. Guinea
37. Guyana (CARICOM)
38. Haiti
39. Holy See
40. Honduras
41. Hungary
42. Ireland
43. Italy
44. Jamaica (CARICOM)
45. Jordan

46. Lesotho
47. Liechtenstein
48. Luxembourg
49. Malawi
50. Malaysia
51. Mali
52. Malta
53. Mauritania
54. Mexico
55. Monaco
56. Mozambique
57. Namibia
58. Netherlands
59. New Zealand
60. Nicaragua
61. Norway
62. Panama
63. Papua New Guinea
64. Paraguay
65. Peru
66. Philippines
67. Portugal
68. Qatar
69. Republic of the Congo
70. Republic of Moldova
71. Rwanda
72. Saint Kitts and Nevis (CARICOM)
73. Saint Lucia (CARICOM)
74. Saint Vincent and the Grenadines (CARICOM)
75. San Marino
76. Senegal
77. Seychelles
78. Slovakia
79. Slovenia
80. South Africa
81. Spain
82. Sudan
83. Suriname (CARICOM)
84. Swaziland
85. Sweden
86. Switzerland
87. Tanzania
88. The former Yugoslav Republic of Macedonia
89. Togo
90. Trinidad and Tobago (CARICOM)
91. Turkmenistan
92. United Kingdom
93. Uruguay
94. Venezuela
95. Yemen
96. Zambia
97. Zimbabwe

Annex 3

Brussels International Conference for a Comprehensive Ban on Anti-Personnel Mines
(24-27 June 1997)

Report by Mr. Mernier, Ambassador, on the results of the work of the first part of the Conference

Your Excellency,

Distinguished Delegates,

At the end of the first part of the Brussels International Conference for a Comprehensive Ban on Anti-Personnel Mines, I have the honour to report to you on the work of the last two days.

With more than 150 States participating, the Brussels International Conference has shown, insofar as there was any need for it, the vitality and appeal of the Ottawa Process. At this stage in the proceedings, it seems we are ready to move on from the political phase to the negotiation phase.

The Brussels Conference constitutes an important step leading up to the Diplomatic Conference which will start in Oslo on 1 September next. We are very pleased to inform you that this morning more than 79 countries have already expressed their support for the Brussels Declaration and we wish to thank all those countries for having done so. May I stress that, having put the credibility level at 45, we are pleased with this magnificent result.

Our discussions of the past two days have provided a most valuable starting point for the Oslo Diplomatic Conference, together with the draft treaty prepared by Austria, the quality of which was recognized by all.

But the purpose of our meeting here in Brussels was not to engage in an actual drafting exercise, and I have to emphasize that a number of countries have reserved both their comments and detailed language proposals for the Oslo Conference.

Nevertheless, I shall attempt to sum up the principal points which came up during the past two days. As I mentioned yesterday, this summary does not pretend to be exhaustive. You will also understand that I cannot refer to any particular national point of view. In this spirit, no country will be named, no delegation will be quoted.

One very fundamental issue pertains to the nature of the future APL-treaty and its relationship to other instruments of international law. As several delegations phrased it, should we look upon the treaty as a humanitarian act or see it as a disarmament instrument?

The first part of our debates dealt with the general obligations under our treaty. Everyone recognized that they had been spelt out quite clearly in the relevant resolution of the United Nations General Assembly, resolution 51/45 S. None of the delegations that spoke on the subject questioned the absolute necessity of including in the treaty a ban on the use, production and stockpiling of anti-personnel mines and on trade in them. No exception was envisaged in this field, except perhaps for purposes of instruction. There then arose the question of the quantity of mines that each State would be allowed to have for troop training. A consensus seems to be within reach on distinguishing here between the number per type of mines from the number as such, it being well understood that deminers have to have available to them a maximum number of types of mines, with technical characteristics that can vary considerably. In the same spirit, it seems possible to agree on an exception with regard to the trade in mines, since in many cases it will be necessary to buy a limited number of new mines abroad, always for the purpose of training deminers. The core of the treaty was thus not called in question during the debate on general obligations.

The Brussels Conference then considered definitions and exceptions. As far as definitions were concerned, the Conference remembered that a number of definitions were available in Protocol II to the Inhuman Weapons Convention, which have moreover left their mark on the Austrian draft text.

Several delegations nevertheless pointed out that those definitions could not be taken over just as they stood and that in view of the radical nature of the treaty the Ottawa Process was aiming at, the definitions available in the amended Protocol II would need to be adapted. Certain delegations also noted that the definition of "anti-personnel landmine" itself had not been taken over in extenso and that that change was not without implications, implications which would have to be weighed and studied at the Oslo Conference.

Another problem of definition which occupied delegates' attention for quite some time related to minefields and mined areas. With your permission I shall return to this matter when I deal with the problem of the destruction of mines in this context.

The Conference also concerned itself with the problem of exceptions. Obviously, some exceptions have to be allowed for. You are already familiar with two of them, since it seems we can envisage without too much difficulty an exception to the ban on stockpiling and an exception to the ban on trade, so as to enable deminers to have the number and types of mines they need for training purposes.

Other exceptions that would affect the very core of the treaty could not be introduced into the text without profoundly altering the nature of the Ottawa Process. Use and production obviously cannot be the subject of exceptions. The same is true of stockpiling and trade with the exception I have just mentioned.

We then considered the destruction of stocks, and delegations were largely agreed that this was a corollary, both essential and symbolic, of the ban on stockpiling anti-personnel mines.

The deadlines for the destruction of stocks will have to be negotiated, however, since this process obviously poses budgetary and environmental problems that are far from negligible.

The scale of these problems inevitably imposes constraints, which will vary from one country to another, on the process of fixing the necessary deadlines for compliance with this obligation. The Conference has heard from a number of delegations representing countries that are already engaged in this operation. International, or at the very least regional, cooperation to destroy existing mine stocks under the best possible conditions seems to be an essential element in the solution of this question. Here again, it might be possible to permit anti-personnel mines to be taken across frontiers in order to be destroyed without regarding it as a real exception. That would not constitute, in the proper sense, trade in or transfer of anti-personnel mines under the terms of the definition of transfer given in Protocol II. This possibility will have to be studied before provision can be made for it in the treaty.

Another aspect of the destruction of anti-personnel mines that you asked us to study is that of mines already in place. The Conference recognized that this was one of the most complex problems that the Ottawa treaty would have to resolve. The distinction between mined areas and minefields as proposed in the amended Protocol II, while it is a useful guide, needs to be taken further and made more precise. Some delegations also pointed out that the need to deal with mines in place would have to be weighed against the cost. The cost to be considered is not just financial, although since the resources available are limited, choices will inevitably have to be made: the cost also has to take into account the dangers run by deminers compared with the expected benefits of demining.

Still, there is a large consensus that in the field and in the text there should be a distinction between existing minefields laid, fenced and monitored by regular armies and mined areas where mines are suspected to be present. In practice, however, this distinction is sometimes very difficult to make. So we must be ready to recognize that some cases constitute a grey area.

On this topic it is also clear that all mines removed from minefields or mined areas will have to be destroyed as quickly as possible if that destruction has not been realized in the minefield itself.

Obviously, the destruction of mines already in place is a more difficult subject than the destruction of stockpiled mines. It will be an important subject of negotiations during the Oslo Conference.

The next topic which was discussed by delegations was international cooperation and assistance. This was mentioned in the Brussels Conference Declaration as an essential non-negotiable element of the global ban on anti-personnel landmines. It was recognized that if the ban on use and

production combined with the destruction of stocks could secure a better future, the purpose of the Ottawa Process was also to solve the consequences of the legacy of the past. To do so, international cooperation has been recognized not only as essential but also as indispensable. This cooperation will have to be multifaceted: exchanges of technologies, exchanges of demining teams will have to be part of it, but this will not suffice. Various delegations have shared their regional or national experience with the Conference. I recall for example the experience presented by Central American countries. International cooperation could also take the form of joint efforts for destruction of stocks or exchange of geographical data about previously laid minefields.

The necessity and the difficulties of finding the financial resources were also stressed by many delegations. The international community will have to encourage its members to do more and to coordinate its efforts.

This concern is embodied in the draft text which has guided our work. It seems, however, that here again there is still considerable work to be done, because to deal with the unfortunate legacy of anti-personnel mines will demand substantial sacrifices on all sides. Aid to victims should be an integral part of this process. We had been able, not just through our discussions, but also through the showing of videos and our visit to the very interesting exhibition at the Musée de l'Armée, to get an idea of the extent of the tragedy and of the difficulty and the urgent necessity of finding solutions to it that are both humane and effective.

The debate also focused on confidence-building measures, and more generally on the implementation of the treaty. Several delegations stressed that we should be guided first and foremost by humanitarian concerns. Others felt that even if the humanitarian dimension remained in the forefront, the disarmament aspects could not be ignored. That could have important implications for confidence-building and transparency measures.

The Austrian text provides for an exchange of information among States parties on the measures taken by each of them in pursuance of the treaty. The usefulness of such exchanges was generally recognized. The same text also proposes that figures should be supplied. How many anti-personnel mines have we? Of what type? How far have the destruction programmes got? Obviously, publication of such information would help to build confidence among States parties.

But some people want to go further and, following the logic of disarmament treaties, would like a more comprehensive system which would permit effective monitoring of the implementation of the Ottawa treaty.

On this matter, there could thus be a difference of opinion, and a choice will have to be made on the extent to which we recognize the disarmament dimension in the future treaty.

We ended with a presentation of the Oslo Conference by the Norwegian delegation, which enlightened us all about the immediate future of the Ottawa Process. All the comments made over the past two days have in fact been put forward in that perspective and will therefore have been very useful.

The adoption of the Brussels Declaration tomorrow will be an essential element in the process. The Declaration mentions the main points in the treaty, fixes the date for its signature and transmits the Austrian draft to the Oslo Conference. In this Declaration, we shall thus have defined the objectives of the negotiations, the basis on which they are to be conducted and the date by which they are to reach a conclusion.

I would appeal for as many delegations as possible to associate themselves with this Declaration, which is truly the key to the final negotiations.

I thus conclude my report on the first two days of the Brussels Conference and have pleasure in giving the floor back to the Minister.